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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,023	01/03/2001	Vincio B. Tiburcio	243768039US	2015

25096 7590 10/28/2004

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EXAMINER

COLON, CATHERINE M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,023

Applicant(s)

TIBURCIO, VINCIO B.

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on January 3, 2001. Claims 1-35 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patents supplied in the Information Disclosure Statement (IDS) provided on June 25, 2002.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 14-21 and 23-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnard et al. (U.S. 6,684,191).

As per claim 3, Barnard et al. discloses a system for facilitating procurement of an item under an auction from one of two or more suppliers, the system comprising:

at least one server computer, wherein the server computer is operable:

to provide an auction information electronic form, wherein the auction information electronic form includes at least one data input field and a task assignment section,

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wherein the task assignment section comprises at least first and second task fields respectively associated with tasks for first and second individuals or organizational positions, wherein at least one of the tasks corresponds to a task to be performed before an auction (col. 4, lines 35-52; col. 5, lines 27-64; Figures 4 and 5; The system contains a display through which users can manage tasks associated with a procurement RFQ/bidding process (i.e., auction).);

to receive data input provided to the auction information electronic form, including input to the at least one data input field to create a new auction based on an identified item to procure, wherein the auction is to be conducted at a selected time in the future, and wherein the task assignment section identifies first and second tasks for the first and second individuals or organizational positions under the first and second task fields, all respectively (col. 5, lines 27-64; col. 6, lines 51-66; Figures 4 and 5); and

to electronically notify the first and second individuals of the first and second tasks, respectively, before the auction (col. 7, lines 40-42; Figure 5; Individuals associated with the tasks are notified about the tasks.).

As per claim 4, Barnard et al. discloses the system of claim 3 wherein a private computer network couples the server computer with a buyer computer, associated with a buyer organization, and the private computer network is coupled, via public computer network, to two or more supplier computers, associated respectively with the two or more suppliers, and wherein the server computer includes a database coupled thereto, wherein the auction form is a display description stored in the database, and wherein the database centrally stores previously completed auction forms for previously

conducted auctions for retrieval and modification for a new auction (col. 3, line 57-col. 4, line 52; Figure 1; The system includes a network that links buyers and sellers, including a “playbook” database that stores all of the auction-related tasks and other procurement project data.);

wherein the auction information electronic form has at least two mandatory data input fields, wherein the mandatory data input fields include an auction date field, and a commodity field, an auction name field or an auction type field (col. 5, lines 27-67; Figures 4-6; In order for a user to create a task, the user must provide relevant data including task name and date.);

wherein the task assignment section comprises: individual assignment fields that identify at least first and second individuals in the buyer organization, and first and second due date fields associated respectively with the first and second task fields and having default due dates based on the auction date field (col. 5, lines 27-67; col. 6, lines 51-67; col. 7, line 66; Figures 4-6; Users can designate individuals responsible for different tasks as well as due dates for the tasks, in addition to several other information.); and

wherein the server computer is further operable:

to permit a user to assign new tasks, modify existing tasks or accept default tasks assigned by the server computer with respect to the at least first and second task fields, to receive input from at least one of the first and second individuals that the respective first or second task has been completed, and to check time spans between a date input to the auction date field and due dates corresponding to the first and second

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task fields (col. 3, line 63-col. 4, line 3; col. 5, lines 17-37; col. 7, lines 7-13; col. 9, lines 5-7; Figures 4-6; The system allows users to input and track task status-related information such as due date, duration and completion.).

As per claim 5, Barnard et al. discloses the system of claim 3 wherein the server computer is coupled to a database (Figure 1);

wherein the auction information electronic form is a web page form stored in a central database coupled to the server computer (col. 3, lines 7-14 and 57-62; col. 5, lines 11-13; Figure 1; The system provides electronic access to the auction task forms via a web page.);

wherein the task assignment section comprises individual assignment fields and first and second due date fields, wherein the first and second due date fields are associated respectively with the first and second task fields and have default due dates provided by the server computer, and wherein the individual assignment fields correspond to at least two organizational positions selected from a set comprising: an auction owner, a quality assurance individual, a global commodity leader, and a pole representative (col. 3, line 63-col. 4, line 3; col. 5, lines 17-37; col. 6, lines 22-24; col. 7, lines 7-13; col. 19, lines 360 and 361; col. 25, lines 18-44; Figures 4-6; The system allows users to input and track task status-related information such as due date. The system also discloses organization positions including auction owners and quality assurance individuals.);

wherein the first and second tasks under the first and second task fields correspond to two tasks selected from a task set comprising: selecting suppliers to

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participate in an auction, approving a supplier for participation in the auction, approving the auction, and identifying at least one supplier in a geographic pole (col. 4, lines 21-52; col. 4, line 66-col. 5, line 9; col. 6, lines 25-29; col. 7, lines 40-43; The system allows users to select suppliers for participation in an auction and allows for an approval process of the suppliers.).

As per claim 6, Barnard et al. discloses the system of claim 3 wherein the server computer is further operable to provide task reminders to the first and second individuals (col. 7, lines 40-43).

As per claim 7, Barnard et al. discloses the system of claim 3 wherein the auction information electronic form comprises two or more mandatory, standard fields, and at least first and second optional comment fields associated with the first and second task fields, respectively (col. 5, lines 27-67; Figures 4-6; In order for a user to create a task, the user must provide relevant data including task name and date.).

As per claim 8, Barnard et al. discloses the system of claim 3 wherein the server computer is coupled to a database and wherein the database centrally stores previously completed auction forms to be retrieved and modified for a new auction (col. 3, line 63-col. 4, line 52; Figure 1; The system discloses a database comprised of templates and forms for implementing the procurement auction.).

As per claim 9, Barnard et al. discloses the system of claim 3 wherein the auction information electronic form comprises at least two mandatory data input fields, wherein the mandatory data input fields include an auction date field, and a commodity field, an auction name field or an auction type field (col. 5, lines 27-67; Figures 4-6; In order for a

user to create a task, the user must provide relevant data including task name and date.).

As per claim 10, Barnard et al. discloses the system of claim 3 wherein electronically notifying includes identifying, for review or approval, at least one electronic document in a central library for association with the auction (col. 6, lines 21-29; col. 7, lines 40-42; Figure 5; Approvers of templates stored in the database are notified as the status of the template documents change.).

As per claim 14, Barnard et al. discloses the system of claim 3 wherein the server computer is further operable to permit a user to assign new tasks, modify existing tasks or accept default tasks assigned by the server computer with respect to at least the first and second task fields (col. 3, line 63-col. 4, line 3; col. 5, lines 17-37; col. 7, lines 7-13; col. 9, lines 5-7; Figures 4-6; The system allows users to input and track task status-related information such as due date, duration and completion.).

As per claim 15, Barnard et al. discloses the system of claim 3 wherein the server computer is further operable to check time spans between a date of the auction and data input fields in the auction information electronic form (col. 3, line 63-col. 4, line 3; col. 5, lines 17-37; col. 7, lines 7-13; col. 9, lines 5-7; Figures 4-6; The system allows users to input and track task status-related information such as due date, duration and completion.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard et al. (U.S. 6,684,191).

As per claim 11, Barnard et al. does not expressly disclose the system of claim 3 wherein the server computer is further operable to automatically provide approval after a due date passes without the first task being completed. However, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Barnard et al. to allow for automatic approvals of tasks after certain dates pass because doing so would ensure that subsequent tasks are still completed, thus maintaining progress of the overall auction/procurement project.

As per claims 12 and 13, Barnard et al. discloses the system of claim 3 wherein storing at least one electronic document at a network location, wherein the electronic document may be accessed by a remote computer via a public computer network (col. 3, line 57-col. 4, line 11; Figure 1; The system stores template documents in a database accessible over an Intranet). Barnard et al. does not expressly disclose wherein electronically notifying includes sending first and second electronic mail messages to the first and second individuals. However, electronic mail is an old and well known form of communication among users of a computer network, particularly an Intranet or

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Internet. Thus, at the time of the invention it would have been obvious to a person of ordinary skill in the art participating in the system of Barnard et al. to use electronic messages to notify users because electronic messages were old and well known and further, provide a convenient and efficient means for users to communicate across a network.

Claims 1,2 and 16-35 recite substantially similar limitations as claims 3-15 above. Therefore, claims 1,2 and 16-35 are rejected on the same basis as claims 3-15 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rackson et al. (U.S. 6,415,270) discusses a multiple auction coordination method and system;
- Shkedy (U.S. 6,260,024) discusses a system and method for facilitating buyer-driven purchase orders over a commercial network;
- Walker et al. (U.S. 5,794,207) discusses a method for facilitating buyer-driven conditional purchases over a commercial network;
- Alaia et al. (U.S. 6,223,167) discusses a method for handling disruptions in the management of electronic auctions;
- Alaia et al. (U.S. 6,499,018) discusses a method for controlling bidding in electronic auctions using bidder-specific bid limitations; and

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- Alaia et al. (U.S. 6,199,050) discusses a method for bidding in electronic auctions using flexible bidder-determined line-item guidelines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306	[Official Communications; including After Final communications labeled "Box AF"]
703-746-7202	[For status inquiries, draft communication, labeled "Proposed" or "Draft"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


smc

October 22, 2004


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